

Message Text

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14

ACTION L-03

INFO OCT-01 EUR-25 ISO-00 SCA-01 CPR-02 SCS-03 INR-10

DRC-01 PPT-02 VO-03 RSC-01 /052 W

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R 211230Z DEC 73

FM AMEMBASSY SOFIA

TO SECSTATE WASHDC 7403

C O N F I D E N T I A L SOFIA 1741

E.O. 11652: N/A

TAGS: CGEN, BU, PFOR

SUBJECT: CONSULAR CONVENTION NEGOTIATIONS

REF: STATE 235483

1. FINAL NEGOTIATIONS ON CONSULAR CONVENTION ENDED EVENING OF DECEMBER 20 AFTER MORE THAN A WEEK OF INTENSIVE DISCUSSION OF REMAINING OUTSTANDING ISSUES.
 2. PRODUCT OF DISCUSSIONS REFLECTS AIMS SOUGHT BY U.S. SIDE ON ALL MAJOR SUBSTANTIVE ISSUES. DURING CURRENT TALKS US SIDE WAS NOT REPEAT NOT REQUIRED TO ALTER POSITION ON ANY OF THESE ISSUES.
 3. ON IMPORTANT ISSUES OF CONSULAR PROTECTION FOR DETAINED NATIONALS AND EXTENSION OF THESE RIGHTS TO DUAL NATIONALS, GOV, AFTER INITIAL DETERMINED OPPOSITION TO THE US DRAFTS, REVERSED ITS STANCE AND, IN THE FINAL ANALYSIS, ACCEPTED US PROPOSALS IN FULL.
 4. ON CONSULAR PROTECTION (ARTICLE 38 OF DRAFT TREATY), NEW TEXT INCLUDES ALL OF THE SPECIFIC GUARANTEES INCLUDED IN THE US-CZECH CONSULAR CONVENTION, ARTICLE 36. NOT ONLY DID GOB AGREE TO THESE COMMITMENTS AS PART OF WRITTEN TREATY DOCUMENT BUT, IN RESPONSE TO QUERIES OF EMBOFF, GAVE ORAL ASSURANCES THAT ON MATTERS SUCH AS TRANSMISSION OF CORRESPONDENCE TO DETAINED NATIONAL (BOTH
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OFFICIAL AND PERSONAL) BY CONSULAR OFFICER, GOB OFFICIALS

WOULD COMPLY WITH BOTH LETTER AND SPIRIT OF RELEVANT TREATY LANGUAGE. SIMILAR, ALBIET UNSPECIFIC, ASSURANCES WERE GIVEN CONCERNING RIGHT OF CONSULAR OFFICER TO COMMUNICATE DIRECTLY WITH LOCAL AUTHORITIES (I.E., WITHOUT NECESSITY OF FIRST APPROACHING CENTRAL AUTHORITIES) ON CONSULAR MATTERS ARISING IN HIS DISTRICT. IN EMBASSY'S VIEW, THESE COMMITMENTS AND ASSURANCES REPRESENT SIGNIFICANT PROGRESS WHEN VIEWED IN THE LIGHT OF PAST EXPERIENCE AND PREVIOUSLY VOICED GOB POSITIONS.

5. ON DUAL NATIONALS, GOB RELUCTANTLY ESTABLISHED PRECEDENT AND AGREED TO SPECIFICS OF US PROPOSAL WHICH BASICALLY FOLLOWS POLISH AND CZECH MODELS. IN NEW EXCHANGE OF LETTERS, HOWEVER, WORDING EMPLOYED ASSURES CONSULAR PROTECTION FOR DUAL NATIONALS PRESENT IN THE RECEIVING STATE FOR TEMPORARY VISIT EVEN IN THE ABSENCE OF A VISA REQUIREMENT, I.E., UNDER A NO-VISA REGIME ADOPTED BY ONE OR BOTH PARTIES. THUS, IF THE (DUAL) NATIONAL HAS BEEN ADMITTED TO RECEIVING STATE WITH SENDING STATE PASSPORT AND IS GRANTED ENTRY PURSUANT TO VISA OR OTHER FORM OR AUTHORIZATION, HE WILL BE ENTITLED TO PROTECTION UNDER THE AGREEMENT.

6. AFTER SUBSTANTIVE AGREEMENT WAS REACHED ON ALL ARTICLES, BOTH SIDES CONDUCTED JOINT ONE-TIME LANGUAGE CHECK. AS MANY DIFFERENCES AS POSSIBLE WERE IRONED OUT AT THAT TIME IN ORDER TO FACILITATE FINAL, OFFICIAL COMPARISON TO BE CONDUCTED AT A LATER TIME. IT WAS AGREED THAT AN EXCHANGE OF TEXTS WOULD TAKE PLACE ON FRIDAY, DECEMBER 21, WITH INITIALLING FOR THE PURPOSE OF AUTHORIZING TRANSMISSION OF THE TEXTS TO THE RESPECTIVE GOVERNMENTS FOR APPROVAL PRIOR TO FINAL COMPARISON AND PREPARATIONS FOR TREATY SIGNING. WHILE BOTH SIDES ARE PLEASED TO HAVE REACHED SUBSTANTIVE AGREEMENT ON A TEXT, IT IS UNDERSTOOD THAT FINAL APPROVAL IS REQUIRED BEFORE ANY FIRM COMMITMENTS HAVE BEEN MADE. PLACE AND DATE OF SIGNING WILL HAVE TO BE DETERMINED LATER.

7. OVERALL MOOD OF TALKS WAS POSITIVE AND ENCOURAGING. BOTH SIDES REGARD CONCLUSION OF CONSULAR CONVENTION
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MAJOR STEP TOWARDS IMPROVEMENT IN RELATIONS.
BATJER

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Disposition Approved on Date:
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Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
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Document Unique ID: 00
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Film Number: n/a
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